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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION  
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14 In re JUNIPER NETWORKS, INC.  
SECURITIES LITIGATION

15  
16 This Document Relates To:

17 ALL ACTIONS.

18 The New York City Employees' Retirement  
19 System, et al.,

20 Plaintiffs,

21 v.

22 LISA C. BERRY,

23 Defendant.  
24  
25  
26  
27  
28

No. C 06-04327-JW

MOTION FOR ADMINISTRATIVE RELIEF  
TO CONSIDER WHETHER CASES SHOULD  
BE RELATED

Before: Hon. James Ware

No. C 08-0246 MHP

Before: Hon. Marilyn H. Patel

1 TO: THE COURT AND ALL PARTIES OF RECORD

2 Pursuant to Local Rule 3-12, Lead Plaintiff the New York City Pension Funds (the "NYC  
3 Funds") hereby requests that the Court make a determination that the above-captioned cases are  
4 related.

5 There are currently three separate actions before the Honorable James Ware which assert  
6 claims arising from allegations of stock option backdating at Juniper Networks, Inc. ("Juniper"), all  
7 of which have been deemed related. These matters are as follows:

<u>Case Name</u>	<u>Case No.</u>
<i>In re Juniper Derivative Actions</i>	C-06-03396-JW
<i>In re Juniper Networks, Inc. Sec. Litig.</i>	C-06-04327-JW
<i>Calamore v. Juniper Networks, Inc. et al.</i>	C-07-01772-JW

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13 On January 14, 2008, the NYC Funds filed a putative class action titled *The New York City*  
14 *Employees' Retirement System et al v. Berry*, C-08-0246-MHP (N.D. Cal.), as a related case solely  
15 for purposes of adding Lisa C. Berry, the former general counsel of Juniper Networks, Inc., as a  
16 defendant. The *Berry* complaint asserts claims on behalf of purchasers of Juniper's stock, and  
17 alleges violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 resulting from  
18 her role in the issuance of false financial results and other public misrepresentations that concealed  
19 alleged backdating of stock option grants.

20 Civil Local Rule 3-12(a) provides that "[a]n action is related to another when: (1) The  
21 actions concern the same parties, property, transaction or event; and (2) It appears likely that there  
22 will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are  
23 conducted before different Judges." This test is satisfied here. The *Berry* complaint contains  
24 allegations that are essentially a subset of the allegations contained in the Amended Consolidated  
25 Class Action Complaint in *In re Juniper Networks, Inc. Securities Litigation*, which is already  
26 proceeding before the Honorable James Ware. The cases allege overlapping claims on behalf of an  
27 overlapping class of individuals based on identical or substantially similar transactions or events.

1 There would be "an unduly burdensome duplication of labor and expense" if the *Berry* case were to  
2 proceed separately before a different judge.

3 Accordingly, the NYC Funds request that the *Berry* action be deemed related to *In re Juniper*  
4 *Networks, Inc. Securities Litigation*, as well as the other previously related Juniper stock option  
5 cases listed above, and assigned to the Honorable James Ware.

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7 Dated: January 22, 2008

LOWEY DANNENBERG COHEN, P.C.

8  
9 By: /s/

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